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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/798,203

03/11/2004

Haupt Rainer

11371-20

6176

7590

03/30/2006

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EXAMINER

KAO, CHIH CHENG G

ART UNIT

PAPER NUMBER

2882

DATE MAILED: 03/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/798,203

Applicant(s)

RAINER, HAUPL

Examiner

Chih-Cheng Glen Kao

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 8-13 are objected to because of the following informalities, which appear to be minor draft errors including grammatical and/or lack of antecedent basis problems.

In the following format (location of objection; suggestion for correction), the following correction(s) may obviate the objection(s): (claim 8, line 3, “vertical side the mounting device”; inserting - -of- - after “side”), (claim 9, line 3, “vertical side the mounting device”; inserting - -of- - after “side”), (claim 9, line 5, “the parallel lines”; deleting “parallel”), (claim 9, lines 6-7, “the other parallel line”; deleting “parallel”), (claim 10, line 3, “vertical side the mounting device”; inserting - -of- - after “side”), (claim 10, line 5, “the parallel lines”; deleting “parallel”), (claim 10, lines 6-7, “the other parallel line”; deleting “parallel”), and (claim 11, line 9, “such that the lower edge”; replacing “the” with - -a- -).

Claims 12 and 13 are objected to by virtue of their dependency. For purposes of examination, the claims have been treated as such. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2882

2. Claims 1-4 and 6-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Holmström (US 3784837).

3. Regarding claims 1 and 11, Holmström discloses a system comprising a ceiling holding (fig. 2, #4) including a mounting device (fig. 2, #9), and a support arm (fig. 2, arm with #23 and 24) secured to the mounting device, such that an x-ray source (fig. 2, #1) is secured, rotatably about a substantially horizontal axis (fig. 2, #12), to the support arm, wherein a lower edge of the mounting device (fig. 2, #9) and a lower edge of the support arm (fig. 2, arm with #23 and 24) are disposed vertically below the horizontal axis of rotation (figs. 1 and 2, #12) of the x-ray source (fig. 2, #1), and wherein the horizontal axis of rotation (fig. 2, #12) of the x-ray source is positioned on the support arm such that a lower edge of the x-ray source (fig. 2, #1) is disposed below the lower edge of the support arm (fig. 2, arm with #23 and 24) and the lower edge of the mounting device (fig. 2, #9), independently of an x-ray source angle of rotation about the horizontal axis (figs. 1 and 2, #1 and 12).

4. Regarding claim 2, Holmström further discloses wherein the support arm comprises a substantially right angled bend (fig. 2, arm with #24).

5. Regarding claims 3 and 4, Holmström further discloses wherein the support arm (fig. 2, arm with #23 and 24) is secured horizontally to the mounting device (fig. 2, #9), and wherein the support arm is secured rotatably (fig. 2, #23) to the mounting device.

6. Regarding claims 6 and 12, Holmström further discloses wherein the ceiling holder is rotatable about a substantially vertical axis (fig. 2, #15).

7. Regarding claim 7, Holmström further discloses wherein a line extension of the horizontal axis of rotation (fig. 2, #12) of the x-ray source extends through the mounting device (fig. 2, #9).

8. Regarding claim 8, Holmström further discloses wherein a line extension of the horizontal axis of rotation (fig. 2, #12) of the x-ray source extends laterally to a vertical side of the mounting device (fig. 2, #9).

9. Regarding claim 9, Holmström further discloses wherein the line extension of the horizontal axis of rotation (fig. 2, #12) of the x-ray source, that extends laterally to a vertical side of the mounting device (fig. 2, #9), is parallel to lines extending along each of two side edges of the x-ray source (figs. 1 and 2, #1), and wherein one of the lines of one of the two side edges of the x-ray source (fig. 2, #1 on right side) extends on one vertical side of the mounting device (fig. 2, #9) and the other line of the other side edge (fig. 2, #1 on left side) extends on another vertical side of the mounting device (fig. 2, #9).

10. Regarding claim 10, Holmström further discloses wherein the line extension of the horizontal axis of rotation (fig. 2, #12) of the x-ray source, that extends laterally to a vertical side of the mounting device (fig. 2, #9), is parallel to lines extending along each of two side edges of

the x-ray source (figs. 1 and 2, #1), and wherein one of the lines of one of the two side edges of the x-ray source (fig. 2, #1 on right side) extends on one vertical side of the mounting device (fig. 1, #9) and the other line of the other side edge (fig. 2, #1 on left side) extends through the mounting device (fig. 1, #9).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holmström as applied to claims 1 and 11 above, and further in view of Heinz et al. (US 4901339).

Holmström discloses a system as recited above.

However, Holmström fails to disclose wherein a mounting device is substantially vertically adjustable.

Heinz et al. teaches wherein a mounting device is substantially vertically adjustable (fig. 1, #1).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the system of Holmström with the vertical adjustment of Heinz et al., since one would be motivated to make such a modification for more range movement (fig. 1, #1) as implied from Heinz et al.

Response to Arguments

12. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Cheng Glen Kao whose telephone number is (571) 272-2492. The examiner can normally be reached on M - F (9 am to 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



gk



EDWARD J. GLICK
SUPERVISORY PATENT EXAMINER